



RESTRICTION ELECTION FACSIMILE TRANSMISSION

DATE: April 8, 2002

FAX RECEIVED

FROM/ATTORNEY: Norman Hanson, Esq.

APR 09 2002

FIRM: Fulbright & Jaworski LLP.

GROUP 1600

PAGES, INCLUDING COVERSHEET: 4

OFFICIAL

TO EXAMINER: Amy DeCloux

ART UNIT: 1644

SERIAL NUMBER: 09/751,797

FAX/TELECOPIER NUMBER: (703) 308-4315

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS: _____

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE ATTORNEY AT THE
TELEPHONE NUMBER LISTED ABOVE.

IN COMPLIANCE WITH 1096 OG 30, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE DETERMINED BY THE FAX MACHINE DATE STAMP FOUND ON THE LAST PAGE OF THE TRANSMISSION, UNLESS THAT DATE IS A SATURDAY, SUNDAY, OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.

THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAIN(S) INFORMATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THIS INFORMATION IS FOR THE USE OF THE INDIVIDUAL OR FIRM NAMED ON THIS SHEET. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS INFORMATION IS STRICTLY PROHIBITED. THE DOCUMENTS SHOULD BE RETURNED TO THE PATENT AND TRADEMARK OFFICE IMMEDIATELY. IF THIS FACSIMILE IS RECEIVED IN ERROR, PLEASE NOTIFY THE ATTORNEY LISTED HEREON IMMEDIATELY.

*Election /andt B/18**J H/17/02***VIA FAX**

I hereby certify that this correspondence is being facsimile transmitted to the
Commissioner of Patents and Trademarks, Washington, D.C. 20231 on
April 8, 2002.

Laurie Olds
Laurie Olds**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Applicant : L. DUMOUTIER, et al.
Serial No. : 09/751,797
Filed : December 29, 2000
For : ISOLATED NUCLEIC ACID MOLECULES WHICH
ENCODE T CELL INDUCIBLE FACTORS (TIFs), THE
PROTEINS ENCODED, AND USES THEREOF
Art Unit : 1644
Examiner : Amy Decloux

April 8, 2002

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

SIR:

**RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT**

Responsive to the restriction requirement of March 26, 2002, applicants elect Group III, i.e., claims 1, 3, 4, 7, 8, 10, 11, 14, 15, 16, 18 and 19 as they relate to SEQ ID NOS: 24 and 25, and TRAVERSE the restrictions between Groups I and III.

The examiner has alleged "unique biochemical and structural characteristics" which render Groups I and III separately patentable; however, the only argument advanced in support of this is the fact that the sequences are different. Sequence difference, per se has never been sufficient, in and of itself, to support restriction. Further, the evidence supports sufficient